

OBI - U.S. Appln. No. 10/721,383
Attorney Docket: 009523-0307056

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Amendment -

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REMARKS

Reconsideration and timely allowance to the pending claims, in view of the following remarks, it respectfully requested.

In the Office Action dated October 2, 2006, the Examiner has objected to claim 7 as allegedly containing informalities and rejected claims 1, 2, 4, and 7 as allegedly being unpatentable over U.S. Patent No. 4,631,397 to Ohsato (hereinafter Ohsato) in view of Japanese Patent No. JP60159013A to Itoi (hereinafter Itoi).

By this Amendment, claims 1, 2, 3, 4, 6, and 7 have been amended to provide a better presentation of the claimed subject matter and claim 5 has been cancelled. Applicant submits that no new matter has been introduced. Applicant further submits that, by virtue of the changes to claims, claim 7 is now in proper form and the immediate withdrawal of the objection to claim 7 is respectfully requested.

Applicant respectfully disagrees with the Examiner rejection of the claims, under § 103(a), and therefore, respectfully traverses the same.

I. Prior Art Rejections of Claim 1

As noted above, independent claim 1, as amended, positively recites that the organic/inorganic composite materials made of organic component and inorganic component which have a transmission wavelength in the range of 750nm to 250 nm in an organic/inorganic composite material. Such features are amply supported by the embodiments disclosed in the written description. (See, Originally-filed Specification: page 12, lines 16-19, and page 15-16, lines 14-5).

Applicant submits, that in contrast to the Examiner's assertions, claim 1 is patentable over Ohsato because the reference clearly fails to teach or suggest each and every feature recited by the claims, including the features identified above. In particular, and as Ohsato is understood, the description focuses upon an error detecting apparatus employing a composite lens and a light source. As such, Ohsato employs a concentrated light source, for example, a laser, and a series of lenses and separate photo sensors. See, Figs. 34-36, and column 15, lines 47. In Ohsato, it appears that a laser waveform is employed using a focused, that is, a single wavelength source. Accordingly, Ohsato does not disclose the range of 750 nm to 250 nm as the transmission wavelength. These deficiencies, among others, render Ohsato as particularly inapplicable to claims 1-4, and 6-7.

Itoi fails to make up the deficiencies noted with respect to Ohsato. Itoi does not disclose any equivalent for the range of 750 nm to 250 nm as the transmission wavelength of

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the present invention. Rather, Itoi merely discloses a specific variety of organic/inorganic composite materials. See, for example, Abstract.

As Itoi is understood, and as the foregoing makes apparent, the Applicant respectfully submits that Itoi fails to describe a material having a transmission wavelength in the range of 750 nm to 250 nm in an organic/inorganic composite material as recited by claims 1-4 and 6-7. At least for the above reasons, Itoi is not properly combinable with Ohsato to render obvious any of claims 1-4, and 6-7.

Therefore, Applicant respects that a *prima facie* case of obviousness has not been established with the combination of Ohsato and Itoi, and the rejection under § 103 must be withdrawn.

II. Prior Art Rejections of Claim 2.

As noted above, independent claim 2, as amended, positively recites wherein the organic/inorganic composite material is made of organic component and inorganic component which are mixed in a complex with each other and with organic component of the organic/inorganic composite material is a component having a glass-transition temperature higher than 150° C. Such features are amply supported by the embodiments disclosed in the written description. (See, Originally-filed Specification: page 17, lines 14-18).

Applicant submits that in contrast to the Examiner's assertions, claim 2 is patentable over Ohsato because the reference fails to teach or suggest each and every feature recited by the claims, including the features identified above. In particular, Ohsato does not appear to discuss any specific temperature of the laser light source. As is commonly known with regards to concentrated light sources, for example lasers, the emission beam reaches very high temperatures. Applicant notes that a semiconductor laser, as is understood in Ohsato, would likely reach a temperature far in excess of 150° C. These deficiencies, among others, render Ohsato as particularly inapplicable to claims 1-4 and 6-7.

Itoi fails to make up the deficiencies noted above with respect to Ohsato. Specifically, the process employed by Ohsato appears to describe a mixing and polymerization initiator. Further, Itoi appears at least, from the Abstract, that no temperature source, for that matter and excited semiconductor laser source, is mentioned. As a result, the Applicant respectfully submits that Itoi fails to describe an organic component of the organic/inorganic composite material is a component having a glass-transition temperature

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higher than 150° C, as recited by claims 1-4 and 6-7. For at least this reason, Itoi is also not properly combinable with Ohsato to render obvious any of claims 1-4 and 6-7.

III. Prior Art Rejections of Claim 3

As noted above, independent claim 3, as amended positively recites a organic/inorganic composite material contains at least one of the component represented by the following formula (2) M¹(OR¹)_n. Such features are also amply supported by the embodiments disclosed in the written description. (See, Originally-filed Specification: page 7-8, lines 20-8).

Applicant submits that, in contrast to the Examiner's assertion, claim 3 is patentable over Ohsato because the reference clearly fails to teach or suggest each and every feature recited by claims, including the features identified above. In particular, Ohsato makes no mention in the formulation of a composite lens, the use of the organic/inorganic composite material containing at least of the component represented by general formula (2). These deficiencies, among others, render Ohsato as particularly inapplicable to claims 1-4 and 6-7.

Itoi fails to make up the deficiencies noted above with respect to Ohsato. Itoi does not disclose any equivalent for the organic/inorganic composite material containing at least one of the component represented by general formula (2).

As Itoi is understood, and as the foregoing makes apparent, the Applicant respectfully submits that Itoi fails to describe the organic/inorganic composite material contains at least one of the component represented by general formula (2) as recited by claims 1-10. Therefore, Itoi is not properly combinable with Ohsato to render obvious any of claims 1-4 and 6-7. Therefore, Applicants respectfully submits that a *prima facie* case of obviousness has not been established for the combination of Ohsato and Itoi, and the rejection under § 103 must be withdrawn.

For at least the reason discussed above, independent claims 1, 2, and 3 are distinguishable over the combination of Ohsato and Itoi. Furthermore, claims 4, 6, and 7 which depend from independent claims 1, 2, and 3, respectively, further limit independent claims 1, 2, and 3. Thus, for at least the reasons set forth above with respect to claims 1, 2, and 3, the rejection of claims 4, 6, and 7, is also improper and must be withdrawn.

All matters having been addressed, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

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Applicant submits that the entry of this Amendment is proper under 37 C.F.R. §1.116, as the claim changes: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not require any further consideration as the claim changes employ limitations from originally-filed dependent claims that should have already been searched; and (c) places the application in better form for an Appeal, should an Appeal be necessary.

Applicant's Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. Should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the Undersigned.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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